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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 JAVON MIGUEL,

8 Plaintiff,

9 v.

10 BYRNES,

Defendants.

Case No. 2:18-cv-00744-RFB-NJK

ORDER

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12 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by  
13 a former state prisoner. On February 5, 2019, this Court issued an order directing Plaintiff  
14 to file his updated address with this Court by March 7, 2019. (ECF No. 3). The deadline  
15 for filing the update address has expired and Plaintiff has not filed his updated address  
16 or otherwise responded to the Court's order.

17 District courts have the inherent power to control their dockets and “[i]n the  
18 exercise of that power, they may impose sanctions including, where appropriate . . .  
19 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831  
20 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure  
21 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
22 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance  
23 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal  
24 for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856  
25 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring  
26 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833  
27 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*  
28 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
failure to comply with local rules).



1 In determining whether to dismiss an action for lack of prosecution, failure to obey  
2 a court order, or failure to comply with local rules, the court must consider several factors:  
3 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
4 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
5 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
6 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;  
7 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

8 In the instant case, the Court finds that the first two factors, the public's interest in  
9 expeditiously resolving this litigation and the Court's interest in managing the docket,  
10 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
11 in favor of dismissal, since a presumption of injury arises from the occurrence of  
12 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
13 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy  
14 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor  
15 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
16 the court's order will result in dismissal satisfies the "consideration of alternatives"  
17 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
18 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address expressly  
19 informed Plaintiff that the case would be dismissed if he did not update his address by  
20 March 7, 2019. (ECF No. 3). Thus, Plaintiff had adequate warning that dismissal would  
21 result from his noncompliance with the Court's order to file his updated address by March  
22 7, 2019.

23 IT IS THEREFORE ORDERED that this action is dismissed without prejudice  
24 based on Plaintiff's failure to file an updated address in compliance with this Court's  
25 February 5, 2019 order.

26 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*  
27 (ECF No. 1) is denied as moot.

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IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment and close this case accordingly.

DATED this 3rd day of April, 2019.



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE